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8                   UNITED STATES DISTRICT COURT  
9                   WESTERN DISTRICT OF WASHINGTON  
10                  AT TACOMA  
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12                  MAYES AL-MOHAMAD,  
13                  Plaintiff,  
14                  v.  
15                  THE STATE OF WASHINGTON STATE  
16                  PATROL,  
17                  Defendant.

CASE NO. 3:22-cv-05011-RJB

ORDER DENYING PLAINTIFF'S  
APPLICATION FOR COURT-  
APPOINTED COUNSEL IN TITLE  
VII ACTION WITHOUT  
PREJUDICE

18                  This matter comes before the Court on Plaintiff Mayes Al-Mohamad's Application for  
19                  Court-Appointed Counsel in Title VII Action (Dkt. 2). The Court has reviewed Plaintiff's  
20                  motion, complaint, and the remaining file.

21                  On January 10, 2022, Plaintiff filed a complaint *pro se* against her former employer the  
22                  Washington State Patrol that raises numerous causes of action, including a claim of  
23                  discrimination pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e-5(f)(1).  
24                  In the pending motion, she requests that the Court appoint counsel to represent her in that claim.

1           **Standard on Application for Appointment of Counsel:** Pursuant to 42 U.S.C. § 2000e-  
2       5(f)(1), “[u]pon application by the complainant and in such circumstances as the court may deem  
3       just, the court may appoint an attorney for such complainant....” In deciding whether to appoint  
4       counsel in a Title VII case, the court assesses the applicant’s financial resources, efforts the  
5       applicant has already made to secure counsel, and whether the claim has merit. *Bradshaw v.*  
6       *Zoological Society of San Diego*, 662 F.2d 1301 (9th Cir. 1981). Further, under 28 U.S.C. §  
7       1915(e)(1), the court may request an attorney to represent any person unable to afford counsel.  
8       Further, under 28 U.S.C. § 1915(e)(1), the court may appoint an attorney to represent any person  
9       unable to afford counsel in exceptional circumstances. *Franklin v. Murphy*, 745 F.2d 1221, 1236  
10      (9th Cir. 1984). To find exceptional circumstances, the court must evaluate the likelihood of  
11      success on the merits and the ability of the petitioner to articulate the claims *pro se* in light of the  
12      complexity of the legal issues involved. *Weygandt v. Look*, 718 F.2d 952, 954 (9th Cir. 1983).

13           **Decision:** Plaintiff's motion for appointment of counsel should be denied without  
14 prejudice because she does not include financial records. Without financial records, the Court  
15 cannot assess whether she would be able to afford counsel.

16 Therefore, Plaintiff's Application for Court-Appointed Counsel in Title VII Action (Dkt.  
17 2) IS DENIED, without prejudice.

18 The Clerk is directed to send uncertified copies of this Order to all counsel of record and  
19 to any party appearing pro se at said party's last known address.

20 Dated this 31<sup>st</sup> day of January, 2022.

Robert F. Bryan

ROBERT J. BRYAN  
United States District Judge